

Appl. No. : 09/776,232
Filed : February 2, 2001

REMARKS

Claims 38-51 and 60-77 are pending in the present application. Independent Claims 38 and 45 have been amended as set forth above. Exemplary support for the amendment is found, for example, in the specification at page 8, line 33 to page 9, line 1 (“[a]s hereinbefore mentioned, the present invention relates to a method of inducing or sustaining a specific immunological response . . . to an antigen in an animal over time.”) and at page 17, lines 29-31 (“[t]hus, the antigen used in the invention is matched to the specific disease found in the animal being treated.”). Thus, no new matter has been added to the application by entering this amendment.

Rejection Under 35 U.S.C. § 102

The rejection of Claims 38-40, 45-47, 49-51, 62-64 and 68-69 in view of Sadao *et al.* was discussed during the November 16th interview. An agreement was reached by the USPTO and Applicants representatives.

Applicants have amended independent Claims 38 and 45 as agreed during the November 16th interview. The USPTO agreed that the amendments specified in the Interview Summary dated November 16, 2004, which are incorporated above, would overcome the § 102 rejections over Sadao *et al.* In particular, independent Claims 38 and 45 are amended to recite “antigen-specific” CTL response.

In view of the agreed upon amendments, Applicants respectfully request withdrawal of the instant § 102 rejections and allowance of the claims.

Rejection Under 35 U.S.C. § 103

All of the rejections under § 103 rely upon the combination of the primary reference, Sadao *et al.*, with various other secondary references. As discussed above in connection with the rejection under 35 U.S.C. § 102(b), Sadao *et al.* alone does not anticipate the claims because Sadao *et al.* does not teach each and every limitation of the independent claims. Also, none of the secondary references alone discloses the deficient elements of the independent claims. Furthermore, the combination of Sadao *et al.* with the secondary references still does not teach or suggest all of the claim limitations. Moreover, for the reasons set forth in Applicants’ previous response, there is no motivation to combine the primary reference with the secondary references.

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Thus, the cited references, alone or combined, do not teach or suggest all the claim limitations. Accordingly, Applicants respectfully submit that a *prima facie* case of obviousness has not been established.

In light of the foregoing, Applicants respectfully submit that Claims 38, 41-43, 45-46, 48, 60-61, 65-67 and 70-73 are not obvious under 35 U.S.C. § 103. Accordingly, Applicants respectfully request that the rejection under this section be withdrawn, and the claims allowed, in accordance with the agreement reached in the November 16, 2004 interview.

CONCLUSION

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding final Office Action have been addressed and that the application is in condition for allowance. Accordingly, Applicants request the expeditious allowance of the pending claims.

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain, or if any issues require clarification, the Examiner is respectfully requested to call the undersigned to discuss such issues.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 11/24/04

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